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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,073	01/22/2002	Takashi Murakami	2001P014480	3393
21254	7590	11/18/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,073

Applicant(s)

MURAKAMI, TAKASHI

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 12, 13, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/18/03, 6/17/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The disclosure is objected to because of the following informalities: see page 13 and line 20, "5"; see page 16 and line 16, "transmits".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 and 11, 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the cable" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the first or second internal antenna" in line 3 of page 30. There is insufficient antecedent basis for this limitation in the claim. Based on the best understanding of specification, the examiner is going to assume that the applicant intend for "the first or second external antenna".

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Wataya (JP09046110).

Wataya discloses a portable telephone set comprising a radio circuit for demodulating a radio signal received by an antenna and transmitted via a cable (item 32), and a battery (item 9) for supplying power to the radio circuit, wherein: the battery and the radio circuit are interconnected by the cable, and power from the battery is supplied via the cable to the radio circuit (see figure 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (US005799245A) in view of Wataya (JP09046110).

Per claim 1, Ohashi discloses a portable telephone set (see figure 1) comprising a detector (see items 1, column 8 and lines 13-35) for detecting the better receiving sensitivity one of radio signals received by an exclusive receiving antenna for only receiving radio signals and a transmitting antenna for transmitting radio signals, a switch (items 10) for selecting the radio signal determined in the detector to be the better receiving sensitivity one, and a radio circuit for demodulating the radio signal from the switch (see item 7b). Ohashi doesn't disclose that one

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antenna is for transmitting and receiving radio signals. Wataya teaches that one antenna of a portable device is for transmitting and receiving radio signals (see figure 4 and item 4). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Wataya with Ohashi's device such that the diversity gain is enhanced and the size of the portable phone would be reduced.

Per claim 2, Ohashi discloses a portable telephone set (see figure 1) comprising a detector (see items 1, column 8 and lines 13-35) for detecting the better receiving sensitivity one of radio signals received by an exclusive receiving antenna for only receiving radio signals and a transmitting antenna for transmitting radio signals, a switch (items 10) for selecting the radio signal determined in the detector to be the better receiving sensitivity one, and a radio circuit for demodulating the radio signal from the switch (see item 7b). Oashi doesn't disclose that one antenna is for transmitting and receiving radio signals, a switch provided in a first housing and a radio circuit provided in a second housing. Wataya teaches that one antenna of a portable device is for transmitting and receiving radio signals (see figure 4 and item 4), further teaches that a switch provided in a first housing, a radio circuit provided in a second housing for demodulating the radio signal from the switch, and the switch and the radio circuit being interconnected by a cable (see figure 1 and item 32). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Wataya with Ohashi's device such that the diversity gain is enhanced, the size of the portable phone would be reduced and reduce the cost.

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Per claim 3, combination of Ohashi and Wataya teaches an analogous art as recited in claim 2.

Wataya further teaches that a radio circuit provided in a second house for demodulating the radio signal from the switch, and a battery for supplying power to at least the radio circuit is provided on the side of the first housing, the switch and the radio circuit being interconnected by a cable and power from the battery being supplied via the cable to the radio circuit (see figure 1 and items 23, L21, 32,33).

Per claim 4, combination of Ohashi and Wataya teaches an analogous art as recited in claim 2.

Wataya further teaches that the switch and the radio circuit being interconnected by a cable and the individual antennas being secured to or detachably mounted on the body of the set (see figure 1 and items 4,5, 27, 30).

Per claim 5, combination of Ohashi and Wataya teaches an analogous art as recited in claim 2.

Wataya further teaches that a battery for supplying power to at least the radio circuit is provided on the side of the first housing, the switch and the radio circuit being interconnected by a cable, power from the battery being supplied via the cable to the radio circuit and the individual antennas being secured to or detachably mounted on the body of the set (see figure 1 and items 4,5, 27, 30).

Per claims 6, and 14, Wataya further teach that the radio circuit and the cable are connected in parallel via coils and capacitors (see figure 1 and items 10, 17 and 32), and power from the

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battery is supplied via the coil side to the radio circuit (see item 22), and a radio signal received by either one of the antennas is transmitted via the capacitor side to the radio circuit.

Per claims 7 and 15-18, Wataya further teach that the cable is a coaxial cable (see figure 1 and item 32).

***Allowable Subject Matter***

8. Claims 9, 13, 10, 19, 12, 21 are allowed.

9. The following is an examiner's statement of reasons for allowance: Prior art of record doesn't teach that a portable telephone set including a first housing provided with a first and a second terminals to be connected with a first and second external antennas, and a second housing electrically connected via a coaxial cable and mechanically connected with the first housing, and interrelation and position of each substantial element of the portable phone within the vicinity of the housings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
November 15, 2004

  
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11/15/04